

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION**

SHELDON DUWAUN SIMMONS,  
Institutional ID No. 1588486

Plaintiff,

v.

TIMOTHY S. HOOPER, *et al.*,

Defendant(s).

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CIVIL ACTION NO. 1:18-CV-00069-C

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint on May 31, 2018. This case was transferred to the docket of the United States Magistrate Judge for screening under 28 U.S.C. §§ 1915 and 1915A. The United States Magistrate Judge entered a Report and Recommendation on January 13, 2021, recommending that the complaint be dismissed with prejudice as frivolous and for failure to state a claim. Plaintiff did not file any objection and the time to do so has passed.

The undersigned Senior United States District Judge has reviewed the Report and Recommendation for clear error and finds none. IT IS THEREFORE ORDERED that the findings, conclusions and recommendation of the United States Magistrate Judge are ADOPTED as the findings and conclusions of this Court. For the reasons stated therein, Plaintiff's complaint and is **DISMISSED** with prejudice as frivolous and for failure to state a claim.

This dismissal shall count as a qualifying dismissal (strike) under 28 U.S.C. § 1915(e)(2)(B) and 1915A(b)(1), and *Adepegba v. Hammons*, 103 F.3d 383 (5th Cir. 1996).

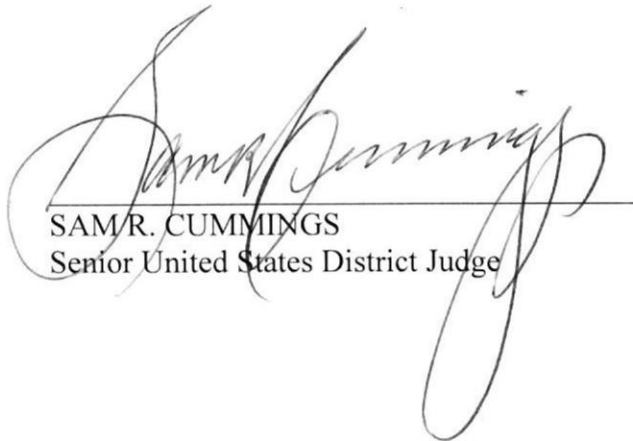
Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00, or he must submit an application to proceed *in forma pauperis* at the same time he files his notice of appeal.

Any pending motions are **DENIED**.

Judgment shall be entered accordingly.

SO ORDERED.

Dated March 8, 2021.



SAM R. CUMMINGS  
Senior United States District Judge